

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 2025-

(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 404 USE REGULATIONS; CHAPTER 407 GENERAL DEVELOPMENT STANDARDS; AND CHAPTER 410 DEFINITIONS; RELATED TO SOLAR FACILITIES, HOME BASED BUSINESSES, AGRICULTURAL USES, RESTAURANTS, APPLICATION SUBMITTAL REQUIREMENTS AND PAVING STANDARDS; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered, and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

WHEREAS, the Board of County Commissioners, acting as the Land Development Regulation Commission, has determined that the land development regulations that are the subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on August 12, 2025 and September 23, 2025 by the Board of County Commissioners, one hearing being held after 5:00 p.m. and the second hearing being held after 11:30 a.m.; and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA:

Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua County, Florida, finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Unified Land Development Code. The Unified Land Development Code of the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and attached hereto.

Section 3. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Development Regulations of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Unified Land Development Code of Alachua County,

Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this 23rd day of September, A.D., 2025.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

Charles Chestnut IV, Chair

ATTEST:

J.K. "Jess" Irby, Esq. Clerk

APPROVED AS TO FORM:

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL AS TO CORRECTNESS:

Department of Growth Management
Authorized Designee

EXHIBIT A
Unified Land Development Code Revision Language
 CODE: Words ~~stricken~~ are deletions; words underlined are additions
 CHAPTER 404 USE REGULATIONS
 ARTICLE II USE TABLE

ARTICLE II. USE TABLE		P = Permitted Use by Right L = Limited Use							SE = Special Exception SU = Special Use Permit					A = Accessory Use Blank Cell = Prohibited Uses			NA = Not Applicable							
Zoning District		A	A-RB	C-1	RE RE-1	R1-aa R-1a	R-1b	R-1c	R-2 R-2a R-3	RM	RM-1	RP	HM	BP AP	BR	BR-1	BH	BA BA-1	BW	ML	MS MP	MB	TOD TND	STANDARDS
LAND USE CATEGORY																								
AGRICULTURAL AND CONSERVATION USES																								
AGRICULTURE																								
Agricultural uses, except as listed below		P	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Article III
Agricultural processing, offsite		L	L																L	L	L	L		Section 404.10
Produce stand		L	L												L	L	L	L				L	L	Section 404.11
<u>Agritourism Activities</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 404.12
Agricultural services		SE	P																					
Poultry or livestock raising on parcels less than 5 acres		L	L		L	A	A	A															L	Section 404.13
Community garden		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Section 404.13.1
Farmers market		L	L									L	L	L	L	L	L	L	L	L			L	Section 404.13.2
Mobile farmers market		L	L									L		L	L	L	L	L	L	L			L	Section 404.13.3

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LAND USE CATEGORY																							
FOOD AND BEVERAGE																							
Restaurant	LA	A												P	P	P	P	P	A	A	P	P	Section 404.67.5
Restaurant, with drive-through														SE	L	L	L	L		A		L	Section 404.68
Incidental food and beverage sales		A												A	A	A	A	A	A	A	A	A	Section 404.69
Cocktail lounge, bar, tavern, or nightclub									SE							P	P	P			SE	P	
Mobile food sales		L												L	L	L	L	L	L	L	L	L	Section 404.69.1
Small-scale alcoholic beverage production facility	A																	P	P	P			Section 404.69.2

ARTICLE III- AGRICULTURE

Sec. 404.09. Agricultural uses.

Agricultural uses are permitted ~~by right~~ in the A and A-RB districts, and are allowed as limited uses in all other districts only on properties of one acre or more, except as otherwise prohibited in Section 404.13 for raising of poultry and livestock on less than five acres. Growing and processing of all other agricultural products for personal use is permitted on any property.

~~(a) *Agritourism and ecotourism activities.*~~

~~(1) Agritourism and ecotourism activities such as tours, farm meals, classes, wildlife observation, workshops, and other educational activities are permitted as accessory to an ongoing agricultural use.~~

~~a. An operation offering such activities must have direct access to a public road meeting County standards for sufficient right-of-way, minimum width, stabilization requirements, and maintenance.~~

~~b. Any related site alteration or construction of temporary or permanent structures not otherwise required for the ongoing agricultural operation shall be subject to building permit and development plan approval and all applicable development standards in Chapter 407 of this ULDC for that portion of the site proposed for use as part of the agritourism or ecotourism activity.~~

~~(2) Restaurants and tasting rooms may be allowed as accessory to an ongoing agricultural use subject to the standards of Section 404.67.5 of this Chapter.~~

~~(3) Bed and breakfast facilities may be allowed as accessory to an ongoing agricultural use subject to the standards of Section 404.70 of this Chapter.~~

Sec. 404.12 Agritourism Activities

Agritourism activities such as tours, farm meals, classes, wildlife observation, workshops, and other educational activities are permitted as an accessory use to an ongoing agricultural use in all zoning district and in Traditional Neighborhood and Transit Oriented Developments subject to the following standards:

- (a) Any related site alteration or construction of permanent structures not otherwise required for the ongoing agricultural operation shall be subject to building permit approval.
- (b) Restaurants and tasting rooms are subject to the standards of Section 404.67.5 of this Chapter.
- (c) Bed and breakfast facilities are subject to the standards of Section 404.70 of this Chapter.
- (d) All agritourism activities shall mitigate substantial offsite impacts as follows:
 1. Lighting associated with agritourism activities for necessary security and safety shall minimize direct glare and light trespass onto adjacent properties and right-of-way and the following standards will apply.
 - a. Mounted to a maximum height of 35 feet.
 - b. Located no closer than 50 feet from the property line or right-of-way.
 - c. Lighting must use fully shielded "full cutoff" fixtures.
 - d. Encouraged use of warm-toned amber lights not exceeding 2,200 Kelvins to minimize disturbance and potential harmful effects on wildlife.

2. Parking associated with agritourism activities shall have adequate space on-site and outside of the public right-of-way.
3. Weekday traffic associated with agritourism activities that generate 50 peak hour trips on a county-maintained collector or arterial road will require a traffic impact analysis to assess the need for potential improvements.

Sec. 404.15. Farm machinery and lawn and garden equipment repair.

Farm machinery and lawn and garden equipment repair is permitted by right in the following districts: A-RB, BA, BA-1, MS, and MP. Where permitted as a limited use in the A district, a farm machinery or lawn and garden repair facility shall operate only as a ~~rural~~ home-based business in compliance with the standards of Section 404.623 of this Chapter.

ARTICLE XI. UTILITIES

Sec. 404.50.5. Solar facilities.

Solar facilities may be allowed as a limited use in the A district with the exception of those parcels subject to a special exception application to construct a solar facility prior to July 1, 2021, where they may be allowed with a special exception. Solar facilities may also be allowed with a special exception in A-RB, RE, RE-1, R-1a, R-1aa, R-1b, R-1c, R-2, R-2a, R-3, RM, RM-1, RP, HM, BP, AP, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP, and MB districts.

Where allowed as a limited use, Solar facilities shall ~~be located subject to the following standards:~~ ~~shall~~ provide a high density buffer with vegetation and screening consistent with Table 407.43.2, and a width consistent with the table below. ~~unless otherwise approved by the Board through a special exception. The buffer shall be of the following minimum widths:~~ Where approved as part of a special exception, the Board may approve a different buffer width or density.

Adjacent Existing Land Use	Buffer Width
Residential	150'
All other uses	75'

ARTICLE XV. - FOOD AND BEVERAGE

Sec. 404.67.5. Restaurant.

A restaurant is allowed as a permitted use in the BR, BR-1, BH, BA, BA-1, BW, and MB districts and in traditional neighborhood and transit oriented developments TODs. A restaurant is allowed as an accessory use to industrial uses within the ML, MS and MP districts. A restaurant is allowed as an accessory use to an ongoing agricultural operation for agritourism purposes in the A and A-RB zoning districts in accordance with the following standards. ~~subject to development plan review and the following standards.~~

- (a) ~~Restaurants in the agriculture (A) district. Any construction of a permanent structure, not otherwise required for the ongoing agricultural operation, shall be subject to development plan and building permit approval.~~
- (1b) Restaurants may be allowed in the A district as an accessory use to an active agricultural operation for agritourism purposes and must utilize or feature agricultural resources ~~products~~ grown and processed onsite.
- (c) The restaurant shall must not be part of a chain or a franchise and ~~shall not exceed a seating capacity of twenty (20).~~
- (2d) The property must have direct access to a public road meeting County requirements for sufficient right-of-way, minimum width, stabilization requirements and maintenance.
- (3e) Drive-through facilities are prohibited.

CHAPTER 407 GENERAL DEVELOPMENT STANDARDS
ARTICLE XIII ACCESS MANAGEMENT AND STREET NETWORK STANDARDS

Sec. 407.86 Inspection and acceptance of required improvements.

- (c) Approval and acceptance for maintenance of right-of-way.
 - (1) The applicant shall be responsible for the maintenance and operation associated with the capital facilities until approval for maintenance is issued.
 - (2) After successful completion of all improvements, and after receipt of the required documents, the County shall provide a certificate of completion verifying the satisfactory construction of all required project improvements. The required documents shall include the following:
 - a. A signed and sealed design engineer of record's certification of completion of all infrastructure improvements and construction in substantial compliance with approved design in a form approved by the County Engineer. A copy of the as-built certification to the appropriate water management district shall also be provided.
 - b. An irrevocable letter of credit or acceptable surety per Subsection (b) above.
 - c. Electronic Computer aided design (CAD) files of all roads including linework for the right-of-way, sidewalks/paths, stormwater piping, and roadways.
 - (3) After one (1) year of maintenance by the applicant and verification by the County of satisfactory performance of all public improvements, the County Engineer shall issue a letter of acceptance for maintenance, thereby releasing the applicant from further responsibilities or liabilities, except that when a public improvement has a latent defect, the applicant's responsibilities and liabilities shall not be released until one (1) year from the date the defect was discovered, but in no event shall the applicant be responsible or liable more than five (5) years after the County issues an approval for maintenance.
- (d) Approval of stormwater management facilities.
 - (1) After successful completion of improvements, and after receipt of the required documents, the County shall provide a certificate of completion verifying the satisfactory construction and function of all stormwater management facilities. The required documents shall include the following:

- a. A signed and sealed design engineer of record's certification of completion of stormwater management facilities construction in substantial compliance with the approved design. A copy of the as-built certification to the appropriate water management district shall also be provided.
- b. A signed and sealed by a Florida Professional surveyor and mapper topographic as-built survey of the stormwater management facilities including all basins, structures, and conveyances as part of the request for a certificate of completion.
- c. An irrevocable letter of credit or acceptable surety per Subsection (b) of this Section.
- d. Electronic CAD files of all stormwater management facilities.

Sec. 407.133 Additional information for Class II, III and IV connections.

- (d) Design profile along the centerline of the driveway and typical cross section of the driveway showing the proposed pavement design.
 - (1) Class II connections and improvements with an ADT less than or equal to one thousand two hundred (1,200) shall be constructed with a minimum pavement thickness of one and one-half (1.5) inches, a minimum base thickness of eight (8) inches, and a minimum subgrade bearing ratio (LBR) of forty (40). All pavement widening shall include the milling ~~of one (1) foot of the existing edge~~ and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class II driveways must match ~~this~~ these same criteria.
 - (2) Class III connections and improvements with an ADT between one thousand two hundred (1,200) and two thousand five hundred (2,500) shall be constructed with a minimum pavement thickness of two (2) inches of structural asphalt, a minimum base thickness of ten (10) inches and a minimum subgrade LBR of forty (40). All pavement widening shall include the milling ~~of one (1) foot of the existing edge~~ and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.
 - (3) Class III connections and improvements with an ADT greater than two thousand five hundred one (2,501) shall be constructed with a minimum pavement thickness of two (2) inches of structural asphalt and one and one-half (1.5) inches of friction course, a minimum base thickness of ten inches and a minimum subgrade LBR of forty (40). All pavement widening shall include the milling ~~of one (1) foot of the existing edge~~ and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.
 - (4) Class IV improvements shall be constructed in accordance with the applicable standards for that facility.

CHAPTER 410 DEFINITIONS
ARTICLE III DEFINED TERMS

Restaurant: Any ~~structure~~ establishment where food is prepared onsite ~~or~~ and served for consumption on ~~or off~~ the premises ~~or~~ within an enclosed structure ~~business~~ or building or elsewhere on the premises.

Small-scale Comprehensive Plan amendment: A small scale development amendment may be adopted under the following conditions:

(a) The proposed amendment involves a use of ~~ten (10)~~ 50 acres or fewer and:

Solar facility: A production facility for electric power which uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite. A solar facility consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components. Solar facilities may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures. Photovoltaic modules mounted on buildings or that are accessory to an otherwise developed property are not considered solar facilities. This definition includes solar facilities located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs.